

PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/530,795	
	Filing Date	5 May 2000	
	First Named Inventor	Brian C. KELLER	
	Group Art Unit	1761	
	Examiner Name	K. Hendricks	
Total Number Of Pages In This Submission	12	Attorney Docket No.	270142000300

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Substitute Declaration Statement by each of 2 inventors Return-receipt postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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FEB 04 2002

TC 1700

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Bruce D. Grant Reg. No. 47,608 Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130
Signature	
Date	December 27, 2001

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

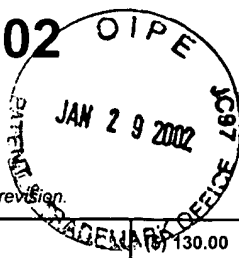
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Rebekah Werth

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sd-72143

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**FEE TRANSMITTAL
FOR FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$ 130.00

Complete if Known

Application Number 09/530,795

Filing Date 5 May 2000

First Named Inventor Brian C. KELLER

Examiner Name K. Hendricks

Group Art Unit 1761

Attorney Docket No. 270142000300

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METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952, referencing 270142000300

Deposit Account Name Morrison & Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20** =	x	= \$
Multiple Dependent	- 3** =	x	= \$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)*

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	130
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY

Name (Print/Type)

Bruce D. Grant

Registration No.

47,608

(Attorney/Agent)

Complete (if applicable)

Telephone

(858) 720-7962

Signature

Date

December 27, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT

PATENT
Docket No. 270142000300

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Rebekah Werth
Rebekah Werth

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS
ORIGINALLY FILED

In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: K. Hendricks

Group Art Unit: 1761

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TC 1700

PETITION TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The presently named applicant, Brian C. Keller, hereby petitions the Assistant Commissioner to enter the Amendment of the application submitted herewith to add the name of Arnold William Schwartz as joint inventor.

- ☒ At least one originally named inventor remains.
- ☒ In support of this Petition, copies of statements of Brian C. Keller and Arnold William Schwartz, together with an executed declaration under 37 C.F.R. § 1.63, are enclosed.
- ☒ The fee set forth in 37 C.F.R. § 1.17(h) of \$130.00
- ☐ is enclosed

☒ is authorized to be charged to Deposit Account 03-1952 referencing 270142000300.


The commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required under this transmittal, or to credit any overpayment to Deposit Account 03-1952, referencing 270142000300.

This request is supported by a statement of the original applicant, as required by 37 C.F.R. § 1.48, and by a Substitute Declaration, executed by Brian C. Keller and Arnold William Schwartz, as required by 37 C.F.R. § 1.63. The facts surrounding this change in inventorship are that Arnold William Schwartz was inadvertently not included as an inventor when the Declaration was filed. Brian C. Keller notified the undersigned representative of the inadvertent inventorship error after learning that Arnold William Schwartz was not included as a joint inventor and this amendment was promptly prepared. Thus, under the present circumstances it is clear that Brian C. Keller and Arnold William Schwartz are the true joint inventors in this case, and it is therefore incumbent upon the named inventor to add Arnold William Schwartz as co-inventor in this specific application. The Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed statements of Brian C. Keller and Arnold William Schwartz, as well as the enclosed Substitute Declaration which has been executed by Brian C. Keller and Arnold William Schwartz.

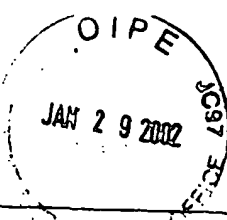
Respectfully submitted,

Dated: December 27, 2001

By:


Bruce Grant
Registration No. 47,608

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125



PATENT
Docket No. 270142000300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on December 27, 2001.

Rebekah Webb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: Unassigned

Group Art Unit: 1761

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TC 1700

STATEMENT OF BRIAN C. KELLER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Brian C. Keller, state as follows:

1. I am a co-inventor of the invention claimed in the above described U.S. Patent Application.
2. Arnold William Schwartz was a co-inventor with respect to the claimed subject matter.
3. I agree to the change of inventorship proposed in the enclosed Petition to add the name of Arnold William Schwartz as a co-inventor.

Executed on 8 Aug 2001.

B. C. Keller
Brian C. Keller



PATENT
Docket No. 270142000300

SUBSTITUTE DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ENHANCED INFANT FORMULA CONTAINING LIPOSOME ENCAPSULATED NUTRIENTS AND AGENTS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on 5 May 2000 as United States Application Serial No. 09/530,795.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
PCT/US98/23532	PCT	5 November 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

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TC 1700

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Randolph Ted Apple (Reg No. 36,429)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Joseph Barrera (Reg No. 44,522)
Erwin J. Basinski (Reg No. 34,773)	Shantanu Basu (Reg No. 43,318)
Richard R. Batt (Reg No. 43,485)	Frank P. Becking (Reg No. 42,309)
Vincent J. Belusko (Reg No. 30,820)	Jonathan Bockman (Reg No. 45,640)
Kimberly A. Bolin (Reg No. 44,546)	Barry E. Bretschneider (Reg No. 28,055)
Tyler S. Brown (Reg No. 36,465)	Nicholas Buffinger (Reg No. 39,124)
A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
Robert K. Cerpa (Reg No. 39,933)	Peng Chen (Reg No. 43,543)
Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	Stephen C. Durant (Reg No. 31,506)
Carolyn A. Favorito (Reg No. 39,183)	David L. Fehrman (Reg No. 28,600)
Hector Gallegos (Reg No. 40,614)	Thomas George (Reg No. 45,740)
Debra J. Glaister (Reg No. 33,888)	Kenneth R. Glick (Reg No. 28,612)
Johney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Peter Hsieh (Reg No. 44,780)	Wayne Jaeschke, Jr. (Reg No. 38,503)
Madeline I. Johnston (Reg No. 36,174)	Richard D. Jordan (Reg No. 33,519)
Parisa Jorjani (Reg No. 46,813)	Ararat Kapouytian (Reg No. 40,044)
Richard C. Kim (Reg No. 40,046)	Cameron A. King (Reg No. 41,897)
Kawai Lau (Reg No. 44,461)	Rimas T. Lukas (Reg No. 46,451)
Michael J. Mauriel (Reg No. 44,226)	Gladys H. Monroy (Reg No. 32,430)
Philip A. Morin (Reg No. P-45,926)	Kate H. Murashige (Reg No. 29,959)
Martin M. Noonan (Reg No. 44,264)	Catherine M. Polizzi (Reg No. 40,130)
Paul J. Riley (Reg No. 38,596)	Debra A. Shetka (Reg No. 33,309)
Terri Shieh-Newton (Reg No. 47,081)	Rebecca Shortle (Reg No. 47,083)
Kevin R. Spivak (Reg No. 43,148)	Stanley H. Thompson (Reg No. 45,160)
Michael R. Ward (Reg No. 38,651)	E. Thomas Wheelock (Reg No. 28,825)
Todd W. Wight (Reg No. 45,218)	Frank Wu (Reg No. 41,386)
David T. Yang (Reg No. 44,415)	Peter J. Yim (Reg No. 44,417)
George C. Yu (Reg No. 44,418)	Karen R. Zachow (Reg No. 46,332)


and:

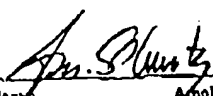
Please direct all communications to:

Bruce Grant
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130

Please direct all telephone calls to Bruce Grant at (858) 720-7962.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8 Aug 2001
Date 
Name: Brian C. Keller
Residence: Antioch, California
Citizenship: USA
Post Office Address: 1111 James Donlon Blvd., Apt. 2034, Antioch, California 94509

8 Aug 2001
Date 
Name: Arnold William Schwartz
Residence: Rose, California
Citizenship: USA
Post Office Address: P.O. Box 1324, Rose, CA 94957



Creation date: 05-07-2004
Indexing Officer: DNGUYEN22 - DAWN NGUYEN
Team: OIPEBackFileIndexing
Dossier: 09530795

Legal Date: 02-12-2002

No.	Doccode	Number of pages
1	CTMS	2

Total number of pages: 2

Remarks:

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